

TITLE 56
PUBLIC ASSISTANCE AND WELFARE

CHAPTER 7
RIGHTS OF INDIVIDUALS WITH DISABILITIES

56-701. POLICY OF STATE. It is the policy of this state to encourage and enable individuals with disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

[56-701, added 1969, ch. 69, sec. 1, p. 212; am. 1984, ch. 147, sec. 4, p. 343; am. 2010, ch. 235, sec. 48, p. 588; am. 2019, ch. 213, sec. 9, p. 647.]

56-701A. DEFINITIONS. As used in this chapter and [chapter 58, title 18](#), Idaho Code:

(1) "Assistance device" means a cane or walking stick, predominantly white or metallic in color, with or without red tip, or a manual or motorized wheelchair or similar scooter, or other similar devices that enhance the safety or mobility of a disabled person.

(2) "Dog-in-training" means a dog being specifically trained to develop social, environmental, and other skills needed for work with or to perform tasks for an individual with a disability. Dogs-in-training shall wear a jacket, collar, scarf, or other similar article identifying it as a dog-in-training.

(3) "Individual with a disability" means an individual who has a disability as defined by the federal Americans with disabilities act, 42 U.S.C. 12101 et seq., and its implementing regulations effective as of January 1, 2019.

(4) "Place of public accommodation" shall have the same meaning as provided in the federal Americans with disabilities act, 42 U.S.C. 12101 et seq., and its implementing regulations.

(5) "Service dog" means a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this chapter. The work or tasks performed by the service dog must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this chapter.

[56-701A, added 1984, ch. 147, sec. 5, p. 344; am. 1992, ch. 58, sec. 5, p. 170; am. 1994, ch. 159, sec. 2, p. 360; am. 1997, ch. 267, sec. 8,

p. 766; am. 2002, ch. 345, sec. 34, p. 977; am. 2010, ch. 235, sec. 49, p. 588; am. 2018, ch. 144, sec. 1, p. 298; am. 2019, ch. 213, sec. 10, p. 647.]

56-702. RIGHT TO FULL AND FREE USE OF STREETS, HIGHWAYS, PUBLIC BUILDINGS AND PUBLIC FACILITIES. Individuals with disabilities have the same rights and privileges as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other places of public accommodations.

[56-702, added 1969, ch. 69, sec. 2, p. 212; am. 1984, ch. 147, sec. 6, p. 344; am. 2010, ch. 235, sec. 50, p. 589; am. 2019, ch. 213, sec. 11, p. 649.]

56-703. RIGHT TO FULL AND EQUAL ACCOMMODATIONS IN ALL COMMON CARRIERS, HOTELS, LODGING HOUSES, PLACES OF PUBLIC ACCOMMODATIONS OR OTHER PUBLIC PLACES. Individuals with disabilities are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, and railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodations, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

[56-703, added 1969, ch. 69, sec. 3, p. 212; am. 1984, ch. 147, sec. 7, p. 344; am. 2010, ch. 235, sec. 51, p. 589; am. 2019, ch. 213, sec. 12, p. 649.]

56-704. RIGHT TO USE OF SERVICE DOG -- LIABILITY. An individual with a disability shall have the right to be accompanied by a service dog in any of the places described in section [56-703](#), Idaho Code, without being required to pay an extra charge for the service dog; provided that the individual shall be liable for any damage done to the premises or facilities by the service dog.

[56-704, added 1969, ch. 69, sec. 4, p. 212; am. 1984, ch. 147, sec. 8, p. 344; am. 1997, ch. 267, sec. 9, p. 767; am. 2019, ch. 213, sec. 13, p. 649.]

56-704A. RIGHTS OF INDIVIDUALS WITH SERVICE DOGS. (1) General. A place of public accommodation shall modify its policies, practices, or procedures to permit the use of a service dog by an individual with a disability or an authorized handler.

(2) Exceptions. A place of public accommodation may ask an individual with a disability to remove a service dog from the premises if:

- (a) The service dog is out of control and the service dog's handler does not take effective action to control it; or
- (b) The service dog is not housebroken.

(3) If a service dog is excluded from a place of public accommodation pursuant to subsection (2) of this section, then the place of public accommodation shall give the individual with a disability the opportunity to participate in the service, program, or activity being offered without having the service dog on the premises.

(4) A service dog shall be under the control of its handler. A service dog shall have a harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service dog's safe, effective performance of work or a task, in which case the service dog must otherwise be under the handler's control through voice control or other effective means.

(5) Inquiries. A place of public accommodation shall not ask about the nature or extent of a person's disability but may make two (2) inquiries to determine whether an animal qualifies as a service dog. A place of public accommodation may ask: if the service dog is required because of a disability; and what work or task the service dog has been trained to perform. A place of public accommodation shall not require documentation, such as proof that the service dog has been certified, trained, or licensed as a service dog. A place of public accommodation may not make inquiries about a service dog when it is readily apparent that the service dog is trained to do work or perform tasks for an individual with a disability, such as: the dog is observed guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

(6) Access. Individuals with disabilities shall be permitted to be accompanied by their service dog in all areas of a place of public accommodation including, but not limited to, a common carrier, hotel, lodging house, or place where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

(7) Surcharges. A place of public accommodation, including, but not limited to, a common carrier, hotel, lodging house, or other public place, shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees or to comply with other requirements generally not applicable to people without pets. If a place of public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual's service dog.

[56-704A, added 2019, ch. 213, sec. 14, p. 649.]

56-704B. RIGHTS OF INDIVIDUALS WITH DOGS-IN-TRAINING -- LIABILITY. (1) Every individual with a disability who is specifically training or socializing a dog for the purpose of being a service dog shall have the right to be accompanied by the dog in any of the places described in section [56-703](#), Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become a service dog.

(2) Every individual who is not an individual with a disability but who is specifically training or socializing a dog for the purpose of being a service dog shall have the privilege to be accompanied by the dog in any of the places described in section [56-703](#), Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become a service dog. The individual accompanying the dog-in-training shall carry and upon request display an identification card issued by a recognized school for service dogs or training dogs or an organization that serves individuals with disabilities. The dog-in-training shall be visually identified as a dog-in-training as provided in section [56-701A](#), Idaho Code. The school or organization as identified on

the identification card shall be fully liable for any damages done to the premises or facilities by the dog, and no liability to other persons shall be attached to the owner, lessor, or manager of the property arising out of activities permitted by this chapter.

[(56-704B) 56-704A, added 1983, ch. 75, sec. 2, p. 162; am. 1992, ch. 58, sec. 6, p. 170; am. 1994, ch. 159, sec. 3, p. 361; am. 1997, ch. 267, sec. 10, p. 768; am. and redesig. 2019, ch. 213, sec. 15, p. 650.]

56-705. CIVIL LIABILITY FOR INTENTIONAL VIOLATION OF STATUTES PROTECTING DISABLED PERSONS. Civil action may be brought against any person intentionally violating the provisions of section [18-5811](#), [18-5811A](#), [18-5812](#) or [18-5812A](#), Idaho Code, with judgment awarded upon proof of the elements to a preponderance of the evidence. As a part of any such civil judgment, a successful plaintiff shall be awarded punitive damages in an amount equal to all other damages suffered by the plaintiff, but in no event less than five hundred dollars (\$500). The failure of a disabled person to use an assistance device or a service dog shall not be held to constitute nor be evidence of contributory negligence in any civil action.

[56-705, added 1997, ch. 267, sec. 12, p. 768; am. 2019, ch. 213, sec. 16, p. 650.]

56-706. INTERFERENCE WITH RIGHTS OR ACTIVITIES -- PENALTY. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in this chapter or otherwise interferes with the rights of an individual with a disability under this chapter shall be guilty of a misdemeanor.

[56-706, added 1969, ch. 69, sec. 6, p. 212; am. 1984, ch. 147, sec. 10, p. 345; am. 2019, ch. 213, sec. 17, p. 651.]

56-707. RIGHT TO BE EMPLOYED IN EMPLOYMENT SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS -- RESTRICTION -- USE OF SICK LEAVE. (1) Individuals with disabilities shall be employed in the state service, the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as individuals without disabilities, unless it is shown that the particular disability prevents the performance of the work involved.

(2) Persons employed as provided in subsection (1) of this section may use accrued sick leave for the purpose of obtaining service dogs and necessary training.

[56-707, added 1969, ch. 69, sec. 7, p. 212; am. 1984, ch. 147, sec. 11, p. 345; am. 2010, ch. 235, sec. 52, p. 589; am. 2019, ch. 213, sec. 18, p. 651.]

56-708. ABLE ACCOUNTS. (1) Findings and intent. The federal achieving a better life experience (ABLE) act, public law 113-295, 26 U.S.C. 529A, provides that a state may establish a program under which certain individuals with disabilities may open accounts in order to save money to pay for qualified disability expenses, such as expenses relating to education, housing, transportation, employment training and assistive technology. These

accounts may be opened by qualified Idahoans in any state having an ABLE account program, and are to be disregarded when determining an individual's eligibility for assistance programs established by federal law, including medicaid and supplemental security income. Though Idaho has not implemented its own ABLE account program, the legislature finds that ABLE accounts promote dignified personal independence and opportunities for individuals with disabilities. It is therefore the intent of the legislature to ensure that the state provide technical assistance to Idahoans interested in opening ABLE accounts in other states, and to protect the eligibility of individuals who have such ABLE accounts when applying for state or local assistance.

(2) Eligibility. Notwithstanding any provision of state law or local ordinance to the contrary, if an applicant for a state or local assistance program or a need-based state or local grant has an ABLE account in another state, the account, and any activity related thereto, shall be disregarded when determining the applicant's eligibility for the assistance program or grant to the extent that the account and any activity related thereto would be disregarded in determining the applicant's eligibility for an assistance program established by federal law.

(3) Technical assistance. Subject to appropriation, there is hereby established a function to provide individuals with disabilities, and those assisting them, technical assistance relating to the ABLE act. Such function shall be within the Idaho state independent living council until such time as it might be assigned to another appropriate agency. Such technical assistance shall include information and assistance with respect to setting up ABLE accounts in other states, whether through or in conjunction with databases and websites operated by or under the auspices of organizations or government agencies, or otherwise, and the provision of information related to financial literacy.

[56-708, added 2017, ch. 65, sec. 1, p. 154.]